

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-094479

09/11/2008

HONORABLE KAREN POTTS

CLERK OF THE COURT

M. Kay

Deputy

IN RE THE MARRIAGE OF
MELISSA CAMPBELL MOORE

BONNIE COX YARBROUGH

AND

JAY D CAMPBELL

FLORENCE BRUEMMER

FAMILY COURT SERVICES-CCC

UNDER ADVISEMENT RULING

The Court having taken this matter under advisement after Evidentiary Hearing held on September 8, 2008 now makes the following findings and enters the following orders:

THE COURT FINDS:

1. Mother seeks to reduce Father's parenting time to alternate weekends with a mid-week visitation. Father seeks parenting time during the week as he claims he closed his business in July 2008 and is home and available during the week. Currently, Father's parenting time alternates each week from Thursday at 6:00 p.m. through Saturday at 10:00 a.m. and Thursday at 6:00 p.m. through Sunday at noon. Mother testified that Father doesn't take the child out of daycare for his parenting time and thus is not exercising his full parenting time. Mother's expressed reasons for reducing Father's parenting time are that Father has allowed the child to play outside unsupervised, does not give the child his medication, and was in physical custody of the child when he swallowed three foreign objects. While it is clear that Father should more closely supervise the child, Mother has not demonstrated adequate cause to reduce Father's time to the degree she suggests.
2. For child support purposes, Mother earns \$3,440 per month. Father claims that he closed his business in July 2008 but offered no corroborating evidence of same and

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did not complete an Affidavit of Financial Information. The Court imputes income to Father in the amount of \$32,227 per year (\$2,686 per month) based upon Father's 2007 gross income less professional services, rental business property, supplies, and utilities, which the Court deems are ordinary and necessary expenses. Mother pays childcare in the amount of \$1,010 per month for 5 days per week; the Court prorates this to three days a week, i.e. \$606, given the new parenting time orders. Father is credited with 120 days of parenting time.

3. Mother seeks reimbursement from Father of one-half of \$695.52 (or \$347.76) for uncovered medical expenses. The Judgment and Decree of Dissolution of Marriage requires Father to pay 50% of said expenses.
4. Mother seeks reimbursement from Father of one-half of \$11,062.00 (or \$5,531.00) for the children's daycare expenses. The Judgment and Decree of Dissolution of Marriage requires the parties to equally share these expenses. Father has paid \$3,188.00 toward said expenses.
5. The Court has considered the financial resources of the parties and the reasonableness of the positions taken herein. Father has failed to provide adequate income documentation and has refused to pay his full share of uncovered medical expenses and daycare costs pursuant to the Judgment and Decree of Dissolution of Marriage.

IT IS ORDERED:

1. Father's regular parenting time is modified to every Sunday at 6:00 p.m. to Tuesday at 6:00 p.m., effective immediately. Father shall provide the transportation at the start of his parenting time and Mother shall provide the transportation at the end of Father's parenting time. This schedule shall apply to both children.
2. The holiday schedule and other terms set forth in paragraphs 4 and 8 of the Judgment and Decree of Dissolution of Marriage shall remain in place except that the children's birthdays shall be alternated each year with Father celebrating Colin's birthday in odd-numbered years and Connor's birthday in even-numbered years; the children shall remain together for purposes of Father's parenting time on these birthdays.
3. Each party shall have two weeks of non-consecutive vacation time with the minor children every year. Mother shall have first choice of vacation time in even-numbered years beginning with 2008. Father shall have first choice of vacation time in odd-numbered years beginning with 2009. The vacation time shall not supersede the holiday parenting time schedule. The receiving parent shall be responsible for transportation of the minor children. The parties shall pick up the child at 8:00 a.m. and drop off the child at 7:00 p.m.

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4. The first right of refusal shall remain at a period of 2 hours or more. However, each party may utilize their immediate family to care for the children.
5. Father shall pay to Mother child support in the amount of \$499 per month, effective October 1, 2008.
6. Father shall pay to Mother \$347.76, representing his share of the parties' children's uncovered medical expenses, plus \$2,343.00, representing the remaining balance of his share of the children's childcare expenses, for a total of \$2,690.76. Half of said payment shall be made within 30 days; the remaining half shall be made within thirty days thereafter.
7. The parties shall no longer equally divide the childcare expenses. Rather, Mother shall pay said expenses as the Court included the cost of childcare in the child support worksheet.
8. Father shall pay 75% of Mother's reasonable attorney's fees and cost. Mother shall file an Application for fees by September 29, 2008 and Father shall file any objection thereto by October 9, 2008.

IT IS FURTHER ORDERED that the requirements of Rule 81 are waived and this minute entry is signed as the formal written Order of this Court.

FILED: Child Support Worksheet.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

September 12, 2008

Date

/ s / HONORABLE KAREN POTTS

JUDICIAL OFFICER OF THE SUPERIOR COURT